

DOCKET FILE COPY ORIGINAL

02-P31194

Subject: Subject: Broadcasters Controlling All Broadcasting facilities in one market.

Date: Fri, 26 Apr 2002 11:03:58 -0500

From: William Thien <wthien@execpc.com>

To: mpowell@fcc.gov, kabernat@fcc.gov, mcopps@fcc.gov, kjmweb@fcc.gov

01-235

Dear FCC,

I have been attempting to file an ECFS statement but have not been able to do so as each time I do the format is not accepted either due to an incorrect abbreviation or some other minor detail that is missing from the electronic filing procedure (these procedures are not readily available to me).

So I am sending my comments to you directly. These comments concern broadcasters controlling all of the transmission facilities in a given market.

The message I sent to ECFS several times, changing the required information in an attempt to format it so that the ECFS system would accept it, is enclosed here.

Thank you for your consideration of these matters.

Sincerely,

William Thien
2422A West Mitchell Street
Milwaukee, WI 53204

Confirmed
MAY 17 2002
Distribution Center

----- Original Message -----

Subject: ECFS Reply ECFS E-Mail Form Subject: Broadcasters Controlling All Broadcaster

Date: Fri, 26 Apr 2002 10:20:43 -0400 (EDT)

From: ecfs@fccsun24w.fcc.gov (Generic ecfs Account(Bill Cline))

To: wthien@execpc.com

ECFS Received your Submission/Request at 04/26/2002 10:20:43 Eastern Time

Invalid state <STATE> 'Wisconsin'.

Invalid document type <DOCUMENT-TYPE> ".

Invalid data <PROCEEDING> RE: Broadcasters controlling all broadcasting facilities in one market or one market segment. Recent ruling. Sinclair Broadcasting
Petition to Acquire Majority of
Broadcasters in Single Market..

If you were attempting to file a comment, ECFS was unable to process
your comment at 04/26/2002 10:20:43 Eastern Time due to the 3 data anomalies listed above.

----- Begin Included Message -----

>From wthien@execpc.com Fri Apr 26 10:20:42 2002

Return-Path: <wthien@execpc.com>

Received: from gatekeeper2.fcc.gov by fccsun24w.fcc.gov (8.9.1/SMI-SVR4)

No. of Copies rec'd
List ABCDE

0

id KAA29678; Fri, 26 Apr 2002 10:20:42 -0400 (EDT)
Received: by gatekeeper2.fcc.gov; id KAA03269; Fri, 26 Apr 2002 10:20:42 -0400 (EDT)
Received: from unknown(169.207.2.78) by gatekeeper2.fcc.gov via smap (V5.5)
id xma003256; Fri, 26 Apr 02 10:20:38 -0400
Received: from pop2.nwbl.wi.voyager.net (pop2.nwbl.wi.voyager.net [169.207.3.115])
by out1.mx.nwbl.wi.voyager.net (8.12.3/8.11.4/1.7) with ESMTP id g3QEOLLQ005064;
Fri, 26 Apr 2002 09:24:21 -0500
Received: from execpc.com (d104.as28.nwbl0.wi.voyager.net [169.207.69.104])
by pop2.nwbl.wi.voyager.net (8.10.2/8.10.2) with ESMTP id g3QEKba06196;
Fri, 26 Apr 2002 09:20:37 -0500 (CDT)
Message-ID: <3CC9634C.FBA2DC58@execpc.com>
Date: Fri, 26 Apr 2002 09:25:17 -0500
From: William Thien <wthien@execpc.com>
X-Mailer: Mozilla 4.72 [en] (Win95; I)
X-Accept-Language: en
MIME-Version: 1.0
To: ecfs@fccsun24w.fcc.gov, ecfs@fcc.gov
Subject: ECFS E-Mail Form Subject: Broadcasters Controlling All Broadcaster
Facilities in One Market or One Market Segment
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

ECFS - E-mail Filing

<PROCEEDING>RE: Broadcasters controlling all broadcasting facilities in
one market or one market segment. Recent ruling. Sinclair Broadcasting
Petition to Acquire Majority of
Broadcasters in Single Market.

<DATE>Unknown

<NAME>William Thien

<ADDRESS1>2422A West Mitchell Street

<ADDRESS2>

<CITY>Milwaukee

<STATE>Wisconsin

<ZIP>53204

<LAW-FIRM>

<ATTORNEY>

<DOCUMENT-TYPE>

<PHONE-NUMBER>414-647-1070

<DESCRIPTION> Email Comment

<CONTACT-EMAIL>wthien@execpc.com

<TEXT>**I am writing to you regarding the subject of allowing a
broadcaster to
acquire all or the majority of the broadcasting facilities in a given
market or population center. Recently I heard of a court appeal by
Sinclair Broadcasting that allowed Sinclair to control the majority or
(all) of the broadcaster facilities in a local market. The court ruled
that the FCC provided no definite reason why Sinclair cannot own and
control all of the broadcasters in a particular market in response to an**

FCC ruling that stated that Sinclair could not own or control all of the broadcasting facilities in a given market.

I state here that no single broadcaster should be in control of a majority or all of the broadcasters in a given market for reasons other than were stated by the counsel representing the FCC. The reason one company must and should not own all of the broadcasters or even a majority of the broadcasters in a particular market are for (One) civil

emergency reasons. In case of a civil emergency, if the control facilities or management facilities for a broadcaster become non-functional, for example, during severe weather, and that one controlling broadcaster becomes unable to disseminate civil emergency instructions and information to the population in the city which it serves, the primary function of the civil emergency broadcasting network

becomes ineffectual. Therefor, based on this primary reason, I believe that a broadcaster should not be able to acquire all transmissions facilities and broadcaster facilities in a given market and should not be allowed to acquire and maintain a majority of those facilities.

Furthermore, broadcasters have a tremendous influence upon elections. If

one broadcaster is allowed to acquire all broadcaster and transmission facilities in a given market, it is likely that they will have the power

to influence completely the outcome of an election. The airwaves are regulated as a resource. One broadcaster must not own the entire pool of

resources and must not be able to influence elections through complete mass media control.

You can not blame broadcasters for wanting to control all of the broadcasting facilities and control mechanisms for one market. Yet, the airwaves belong to the public and must be administered in that manner that would benefit the open distribution of information for the benefit of the community.

My comments refer to broadcasters in all markets and when reference is made to a "majority" of transmission or broadcasting facilities, I refer

to greater than fifty-one percent (51). No broadcaster should be able to acquire more than 51 percent of the transmission facilities in a given market, including market share proportions. This is a civil emergency network consideration.

This should not preclude a broadcaster or media company from owning facilities of differing types of transmission such as radio and television stations in a given market or owning television and newspaper

and radio facilities in a given market unless those transmission facilities comprise greater than fifty-one percent of all transmission facilities in a given market.

Thank you for your consideration of these matters.

Sincerely,

**William Thien
2422A West Mitchell Street
Milwaukee, WI 53204
414-647-1070**

----- End Included Message -----